



**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 27, 2005**



Mayor David Dermer
Vice-Mayor Matti Herrera Bower - Absent
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

CONSENT AGENDA

- PA1 Certificate of Appreciation/Chief Don De Lucca, Crisis Intervention Program. (Smith)
- PA2 Certificates of Completion/Participants of Miami Beach Community Emergency Response Team.
- PA3 Proclamation/Sid Gersh, Dedication & Faithful Service to our Community. (Steinberg)
- PA4 Certificate of Appreciation/Raul Jorge, Handling an Ocean Rescue Call. (Cruz)

- C2A Issue RFP, Temporary Personnel Services.
- C2B Issue RFP, Management of the Wireless Miami Beach Broadband Network.

- C4A Ref: Land Use & Dev. Committee - Traffic Circle/Round-a-Boat at 17th & Washington. (Gross)
- C4B Ref: Finance & Citywide Projects Committee - Proposal from Cirque Du Soleil.

- C6A Report: Neighborhood/Community Affairs Committee Meeting of June 29, 2005.
- C6B Report: Land Use & Development Committee Meeting of July 11, 2005.
- C6C Report: General Obligation Bond Oversight Committee Meeting of July 11, 2005.

- C7A Approve Amendment to URS Agreement, Program Management Services.
- C7B Execute Amendment, Planning/Design of Venetian Islands Neighborhood Improvement Project.
- C7C Submit Grant Application, County Byrne Funds for City's Records Improvement Program.
- C7D Accept Recommendation, Medical Services Provider for City of Miami Beach.
- C7E Declare Existence of a Parking Emergency for Various Future Events Dates.
- C7F Issue Purchase Orders, Maintenance & Service of Revenue Control Parking Equipment.
- C7G Execute Memorandum of Understanding, Coordinating Law Enforcement Investigations.
- C7H Execute Mutual Aid Agreement, Coordinating Law Enforcement w/ Several Cities.
- C7I Accept Recommendation, Engineering Services in Various Professional Specialties.

- C7J Appropriate PTP Funds, Maintenance Work at 77th Street Bridge & Henedon Avenue Bridge.
C7K Accept Recommendation, Services for Bicycle, Pedestrian & Greenway Projects.
C7L Issue Purchase Orders, Electronic Ticketing Systems for Police Dept. Handheld Devices.
C7M Accept Recommendation, Operation of Vending Machine Concessions at CMB Property.
C7N Approve BODR, Multi-Purpose Municipal Parking Facility - Meridian Avenue Improvements.
C7O Issue Purchase Order, Scott Rakow Youth Center Ice Rink & Covered Play Area.

REGULAR AGENDA

- R5A **10:15 a.m. 2nd Rdg**, Procedures & Standards Applicable to Special Events.
R5B **10:30 a.m. 1st & Only Rdg**, Amend Zoning District for 2608 & 2614 Biarritz Drive. **5/7**
R5C **1st Rdg**, Authorizing a Shortened Duration for Early Voting.
- R7A **Joint**, Authorize City Manager to Award/Reject Bids, Contracts & Agreements - August Break.
R7B **10:00 a.m. Joint**, Redevelopment Agency Series 2005 A&B Revenue Refunding Bonds.
R7C Set Proposed Operating Millage Rates for FY 2005/06.
R7D Set Proposed General Operating Millage Rate for Normandy Shores.
R7E Execute Services Agreement, Biscayne Point ROW Infrastructure Improvement Project.
R7F **11:00 a.m.** Adopt City's 1-Year Action Plan, Federal Funds FY 05/06 (CDBG/Home Program).
R7G Award Contract, Installation of Signage Package w/ Maintenance Service Agreement.
R7H Execute Service Agreement, North Shore ROW Infrastructure Improvement Project.
R7I **Joint**, Change Commission Meeting Date from September 7 to September 8, 2005.
R7J **Joint**, Approve BODR, South Pointe Park Improvements.
R9A Board and Committee Appointments.
R9A1 Nominate Jorge Kuperman to Serve on the Planning Board. (Garcia)
R9B **10:45 a.m.** Disc. American Airlines Efforts to Enhance Volume of Visitors to CMB. (Steinberg)
R9C **5:30 p.m.** Disc. Castle Beach. (Bower)
R9D Disc. & Status Report, Yearly Inspection of Condominiums for the Last (3) Years. (Garcia)
R9E Disc. Realignment of the Miami Beach Cable Channels. (Garcia)
- R10A **Noon Break**, Notice of Attorney-Client Session: Club Madonna, Inc. V. CMB.

REPORTS AND INFORMATIONAL ITEMS

- A1 Minutes from the PACT Board Meeting of May 10, 2005. (Bower)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A Report of Itemized Revenues/Expenditures of RDA for June 2005.
3A **Joint**, Authorize City Manager to Award/Reject Bids, Contracts & Agreements - August Break.
3B **Joint**, Change RDA Meeting Date from September 7 to September 8, 2005.
3C **Joint**, Redevelopment Agency Series 2005 A&B Revenue Refunding Bonds.
3D **Joint**, Approve BODR, South Pointe Park Improvements.

Meeting called to order at 9:34:15 a.m.

Invocation given by Annette Jones from St. John's United Methodist Church.

Pledge of Allegiance led by Chief De Lucca.

Times based on the digital recording in the City Clerk's Office

Addendum Item: (R10A)

ACTION: Motion made by Commissioner Steinberg to add item R10A as an emergency item to the Commission Agenda; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Vice-Mayor Bower.

Supplemental Materials:

C7N (Resolution), R7C (Resolution), R7J (Resolution), R9C (Additional information), R9D (Additional information), 3D (Additional Information).

10:07:07 a.m.

Murray Dubbin, City Attorney, announced that pursuant To Section 286.011(8), Florida Statutes, he hereby advises the City Commission that he requires their advice concerning the following litigations; Club Madonna, Inc. V. City Of Miami Beach Ell-Gee, Inc., Club Madonna, And Leroy Griffith V. City Of Miami Beach. He is therefore requesting that a Closed Executive Session be held at lunch time in the City Manager's Large Conference Room. Since this is an Addendum item it needs to be added by a 5/7 vote.

New Item:**10:08:08 a.m.**

Mayor Dermer stated that the City has a new Assistant City Manager and he welcomed her. As an employee of Miami-Dade County she has worked on the homeless issues, communications, and a myriad of different issues at the County level. He cannot think of a better employee hired than Hilda Fernandez. Her knowledge and background of Miami Beach was very impressive.

Jorge Gonzalez, City Manager, formally introduced and welcomed the new Assistant City Manager, Hilda Fernandez. She worked for Miami-Dade County for approximately fourteen years in different capacities. Most recently she was the director of the Communications Office. She has directed the office of the Homeless Trust, for a short time she was the Director of the Citizens Independent Transportation Trust, and has had a variety of opportunities, on a countywide level, to work with the City of Miami Beach in doing positive things for this community and Miami-Dade County as a whole. He stated that the City is very fortunate and he is pleased to have Hilda onboard and excited about her role in the City. He explained that he will be making departmental assignments after Hilda gets to meet everyone and gets her bearings around the City.

Hilda Fernandez, Assistant City Manager, stated she has met with most of the Commissioners and will be finished meeting with everyone in the next two weeks. She stated that she grew up in Miami-Dade County and is very familiar with the community as a whole and very familiar with Miami Beach. She is thankful to be working with everyone and to be able to advance this community forward.

Commissioner Garcia stated that he had a very positive interview with Hilda and explained that although he is not a fan of Miami-Dade County, they had a good conversation and she knows his concerns. He wishes her well in her new position with the City of Miami Beach.

PA - Presentations and Awards**9:51:08 a.m.**

- PA1 Certificate Of Appreciation To Be Presented To Police Chief Don De Lucca From Judge Steve Leifman, In Reference To The Crisis Intervention Program.)
(Requested by Commissioner Jose Smith)

ACTION: Certificate presented.

Commissioner Smith stated that he is honored to introduce Judge Steve Leifman who is involved in a very creative project in Miami-Dade County to train police officers to identify people with mental disabilities to treat them accordingly and avoid unjustified shootings.

Commissioner Steinberg recognized Judge Leifman because he goes beyond the call of duty when it comes to giving to the community and Miami-Dade County; he is not only the administrative judge for the County division, but he is also involved in issues of homelessness and the mentally challenged, making sure that they are not lost in the process.

Judge Leifman extended his congratulations to Sid Gersh. He stated that Miami-Dade County has the largest percentage of individuals with mental illness of any urban area in the United States - 9.1% of the general population suffers from severe mental illness. The Miami Beach Police Department is the first department in the County to institute Crisis Intervention Team Training. Chief De Lucca and Assistance Chief Di Censo have been wonderful advocate for this program and the Eleventh Judicial Court wants to recognize the Miami Beach Police Department and Chief De Lucca for their participation.

Mayor Dermer recognized Judge Leifman for all his work and thanked him for his volunteer work and service in the community.

Chief De Lucca stated that the City of Miami Beach has over 60 officers trained and every officer who graduates from the academy receives the training. The Miami Beach Police Department appreciates the efforts of Judge Leifman.

10:01:13 a.m.

- PA2 Certifications Of Completion For Participants Of The City Of Miami Beach Community Emergency Response Team (CERT).
(Fire Department)

ACTION: Certificates presented to Paco P. Basantes, Sabrina Chapman, Ralph Frederique, Pierre Hector, Gersain J. Ibarra, Michael Janelle, David Kohring, Antonio Medina, Jean H. Morisset, Hector Pla, George Safirstein, Jessica Sandin, Concesso Souza, Elena Tellez and Jose Tellez.

Jorge Gonzalez, City Manager recognized David Mogen, Firefighter, for being responsible for organizing and training students. He explained that the City has developed and coordinated a community emergency response team and today the City recognizes the recent graduates. To date, there are over 185 individuals citywide.

Commissioner Garcia gave credit to Chief Del Favero for bringing the idea to him in 1996.

Chief Jordan stated that this is the team that provides preliminary help before the trained members of rescue arrive at a scene.

9:37:04 a.m.

PA3 Proclamation To Be Presented To Sid Gersh, For His Dedication And Faithful Service To Our Community.

(Requested by Richard L. Steinberg)

ACTION: Proclamation presented.

Mayor Dermer stated that Sid Gersh has been part of the history of Miami Beach for many years and is now a resident of Aventura. He commented that Sid Gersh was referred to, at one time, as the Harry Truman of Morton Towers. He also acknowledged Susan Gottlieb, Mayor of Aventura, and Judge Steve Leifman.

Susan Gottlieb, Mayor of Aventura, stated that Sid truly believes in government service and is a great human being. She said that Sid is a true believer and she is proud to honor him and his wife Nancy.

Commissioner Steinberg stated that it is remarkable the time Sid has given to government in all the different capacities in addition to being involved at the Morton Towers.

Rabbi Frank stated that he had the honor of marrying Sid and Nancy, and said a prayer for them. He stated that Sid has been in public service for fifty years and that he was appointed Press Secretary at the Democratic Convention Committee.

Saul Gersh, Sid's brother, stated that Sid has devoted himself to civic causes for over forty years, and had he put that effort and time into business, today he would be a millionaire.

Sid Gersh acknowledged Michael Stein, Commissioner of Aventura, thanked Susan Gottlieb, Mayor of Aventura, for taking the time to come; and also thanked many friends, especially Dr. Charles from Aventura and Howard Salas. He also acknowledged the members of the Democratic Executive Committee of Miami-Dade County, Frank Cobo, Hank Lancen, Harold Rosen, Joan Vaulkan, Judge William Thomas, and Allan Greenfield. He stated that it is a pleasure and an honor to be here.

10:38:10 a.m.

Mayor Dermer recognized North Bay Village Mayor Joe Geller in the audience.

Mayor Joe Geller stated that he came to honor a good friend, Sid Gersh, and thanked the City for recognizing him for his services.

9:55:17 a.m.

- PA4 Certificate Of Appreciation To Be Presented To Raul Jorge, Communications Operator, For His Action In Handling An Ocean Rescue Call.
(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Certificate presented.

Commissioner Cruz stated that this area of City services does not get recognition because they work behind the scene. He stated that this is a team effort that makes a very important contribution to the safety of our citizens and recognized Raul Jorge.

Raul Jorge explained his job duties and responsibilities. He stated that he appreciates receiving this certificate and stated that what keeps him going is the love of his job, the work ethics and the recognition from management. He explained his involvement regarding this particular incident.

CONSENT AGENDA

ACTION: Motion made by Commissioner Cruz to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Vice-Mayor Bower.

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Proposals (RFP) For Temporary Personnel Services.
(Procurement)

ACTION: Request authorized. Gus Lopez to issue RFP and Mayra Diaz Buttacavoli to handle.

- C2B Request For Approval To Issue A Request For Proposals (RFP) For The Design, Deployment, And Management Of The Wireless Miami Beach Broadband Network.
(Information Technology)

ACTION: Request authorized. Gus Lopez to issue RFP. Gladys Acosta to handle.

C4 - Commission Committee Assignments**10:17:02 a.m.**

- C4A Referral To The Land Use And Development Committee - Discussion Regarding Kenneth Treister's Concept Of Introducing A Traffic Circle / Round-A-Bout At The Intersection Of 17th And Washington. (Requested by Commissioner Saul Gross)

ACTION: This item separated for discussion by Commissioner Steinberg.

Referred to the Transportation and Parking Committee and then to the Land Use and Development Committee. Motion made by Commissioner Steinberg to refer this issue to the Transportation and Parking Committee before it goes to the Land Use and Development Committee; seconded by Commissioner Cruz; Voice Vote 6-0; Absent Vice-Mayor Bower. Saul Frances and Jorge Gomez to place on the committees' agenda. Tim Hemstreet to handle.

10:27:02 a.m.

Lucero Levy is a member of the board of Temple Emanu-El. She stated that when the intersection of 17th and Washington was built, the needs were different, and now there are four major players on each corner of this intersection: 1) Cirque Du Soleil to be located in TOPA; 2) the New World Symphony to be built, 3) Temple Emanu-El (recipient of the Beautification Award by the City Commission), and 4) Citibank. She explained that three of the four are Performing Art Centers attracting many visitors and traffic. Temple Emanu-El offers religious services, concerts and lectures throughout, as well as the Convention Center. She stated that traffic is a disaster and it will get worse. Our leaders need to solve present traffic needs and be able to design Miami Beach with a futuristic view to last.

10:13:04 a.m.

- C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding A Proposal From Cirque Du Soleil For A Long-Term Lease Of, And Resident Show At, The Jackie Gleason Theater. (Tourism & Cultural Development)

ACTION: Item separated for discussion by Commissioner Garcia. Referred. Motion made by Commissioner Smith; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Vice-Mayor Bower. Patricia Walker to place on the committee agenda. Tim Hemstreet to handle.

Commissioner Garcia complimented Jorge Gonzalez, City Manager, for bringing this fantastic project to the City and to refer it without mentioning that, would be a disservice to what this project will mean to the City.

Jorge Gonzalez, City Manager, thanked Commissioner Garcia and stated that he appreciates his comments. He added that there was an article in the newspaper regarding the conversations between the Cirque Du Soleil representatives and the City. He stated that Commissioner Cruz has been instrumental in making sure that the City discussed the issue with an open mind. He explained that having a venue such as this in Miami Beach validates the City as an international community and not just as a local or regional community because of the phenomenal recognition that it will receive. He stated that a presentation will be made to the Finance and Citywide Projects Committee and from that the Administration will receive guidance as to how to proceed with negotiations and what will be an appropriate agreement between the parties involved. He stated that Cirque Du Soleil is a very interested party that wants to make Miami Beach its permanent home and this will really transform that theater into an exciting venue. This has brought a lot of good publicity and only positive reactions.

Commissioner Cruz stated that at an unrelated meeting with Jorge Perez and Steve Ross of The Related Group, they mentioned that Cirque Du Soleil was visiting the City of Miami looking for a site to create a permanent exhibit. He explained that once he realized that this had tremendous potential, he asked them to meet with the City Manager and himself to discuss opportunities on Miami Beach since the Jackie Gleason will soon be empty. He stated that the City Manager moved forward with the discussions and he has not been involved since. He commended Jorge Gonzalez, City Manager, moving this project and for getting this far with it. He is looking forward to it since he is a very good project for the City.

Jorge Gonzalez, City Manager, stated that assuming the Finance and Citywide Projects Committee gives the Administration the authorization to proceed with negotiations; he requested that Commissioner Cruz volunteered to be the Commission Liaison.

Mayor Dermer stated that he is sure that Commissioner Cruz will continue with these activities. Commissioner Cruz accepted.

C6 - Commission Committee Reports

- C6A Report Of The Neighborhood/Community Affairs Committee Meeting Of June 29, 2005: **1)** Discussion Regarding The Streetscape Of Meridian Avenue Portion Of The Basis Of Design Report (BODR) For The Multi-Purpose Municipal Parking Facility; **2)** Discussion Regarding A Request By The Wolfsonian, A Museum Of Florida International University, To Increase Floor Area Ratio Pursuant To City Charter Section 1.03(C); **3)** Discussion Regarding Early Voting For The November 1, 2005 General Election; **4)** Discussion Regarding The Greater Miami Convention And Visitors Bureau's Participation In The City's Tourism And Hospitality Scholarship Program; **5)** Discussion Regarding Recommendation From The Art In Public Places Committee To Amend The Naming Of Public Facilities And Establishment Of Monuments Or Memorials Ordinance, Specifically Regarding Procedures For Reviewing Proposals And Requests For Monuments And Memorials; And **6)** Discussion Regarding Automated External Defibrillators.

ACTION:

Jorge Gonzalez, City Manager, noted for the record, the correction to Item No. 3.

Item No.1:

The Committee moved to study locating the bike paths on Convention Center Drive instead of Meridian Avenue and recommended to Jorge Chartrand, Acting Director – CIP, that the rest of the project move forward as presented. (See Agenda item C7N).

Item No.2:

The Committee moved the item come back to the next meeting of the Neighborhood/Community Affairs Committee. The Committee asked the Wolfsonian to include in its next presentation a massing representation of the existing structure and the potential project. Additionally, the legal department was directed to provide information regarding concerns brought up during the meeting including the possible setting of a precedent with the suggested ordinance, spot zoning, recommended wording of the ballot and zoning ordinance. In the event that this committee is unable to meet in August, the item is to go directly to the September 8, 2005 meeting of the full City Commission. **ACTION: See email information below. Kevin Crowder to prepare LTC transmitting Ms. Leff's email.**

Handout or Reference Materials:

1. Email from Cathy Leff, Director of the Wolfsonian, dated July 18, 2005, confirming that the Wolfsonian will not be requesting to place this item on the November 2005 ballot.

Item No. 3:

The Committee moved to hold early voting at City Hall for both the general election and the run-off election, if one is necessary. The general election dates will be the Monday through Sunday just prior to the November 1 regular voting day and the run-off dates will be the Saturday and Sunday just prior to the November 15 actual run-off election date. The hours for all early voting dates scheduled will be from 9:00am to 7:00pm.

Correction: early voting times:

General Election (November 1)

Monday, Tuesday, and Wednesday, October 24, 25, and 26 from 12 noon until 7 p.m.

Thursday and Friday, October 27 and 28 from 9 a.m. until 4 p.m.

Saturday and Sunday, October 29 and 30 from 9 a.m. until 7 p.m.

Runoff Election (November 15, if one is necessary)

Saturday and Sunday, November 12 and 13 from 9 a.m. until 7 p.m.

Item No. 4:

There was no action taken by the Committee

Item No. 5:

The Committee moved to make no changes in the current process for monuments and memorials.

Item No. 6:

The Committee moved to bring this item to a meeting of the full City Commission. (Item withdrawn per Commissioners Smith's request).

Handout or Reference Materials:

1. Item 6 - Email from Rachel Lief, dated 8/2/05 re: Report of the Neighborhood Committee meeting of June 29, 2005.

C6B Report Of The Land Use And Development Committee Meeting Of July 11, 2005: **1)** Discussion Regarding The Ramblas Piece Of The Flamingo/Lummas Neighborhood (Drexel Avenue); **2)** Discussion Regarding Removal Of Historic Signs; **3)** Discussion Regarding Reconstruction Of Demolished Properties And Engineering Requirements; And **4)** Discussion Regarding Nonconforming Buildings.

ACTION:**Item No. 1:**

Commission Gross Motion: Abandon center median and widen sidewalks and have the Administration make a recommendation on any encroachments.

Commissioner Garcia recommends an amendment that the connection between 15th Street and Espanola Way be enhanced.

Vice-Mayor Bower seconds the motion. Passed: 3-0. **ACTION: Jorge Chartrand to handle. Tim Hemstreet to handle the encroachment issue.**

Item No. 2:

Commissioner Saul Gross motion to recommend approval by the full Commission; Vice Mayor Matti Bower seconded the motion. Passed 3-0. **ACTION: Lilia Cardillo to place on the Commission**

Agenda. Jorge Gomez to handle.

Item No. 3:

Commissioner Saul Gross motion to recommend approval by the full Commission; Vice Mayor Matti Bower seconded. Passed 2-0.

Selection of Engineers by RFQ; discuss specifics with City Manager. Ordinance should be amended so that the property owner only pays the costs of an independent Engineer if it is determined that the building can be saved in time; property may be lien to assure payment if the building cannot be saved, the City pays the costs of an independent Engineer. **ACTION: Gus Lopez and Hamid Dolikhani, Acting Building Director, to handle.**

Item No. 4:

Commissioner Saul Gross motion to recommend approval by the full Commission; Vice Mayor Matti Bower seconded the motion. Passed 2-0. **ACTION: Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.**

C6C Report Of The General Obligation Bond Oversight Committee Meeting Of July 11, 2005: **1)** Contingency Report; **2)** Discussion Items: A) Draft Format Of New Agenda Presentation; **3)** Recommendation To City Commission: A) Biscayne Pointe A/E Award For Design, Bid/Award And CA; B) North Shore A/E Award For Design, Bid/Award And CA; C) South Pointe Park BODR; **4)** Project Status Report: A) Update On Fire Station No. 2; B) Update On Fire Station No. 4; C) Normandy Isle Park And Pool; And **5)** Informational Items: A) Updated Calendar Of Scheduled Community Meetings; B) Washington Avenue Streetscape Project' **6) Not listed on the Agenda - Update on Lummus Park .**

ACTION:**Item No. 1:**

The Administration informed the Committee that no new change orders had been approved. A list of the change orders approved to date is attached as "Exhibit A".

Item No. 2A:

Per the recommendation of the Committee, a revised project report format was presented. After discussion, the Committee decided not to adopt the new format but instead, recommended that additional budget data be added to the original report format. A new revised version will be presented at the Committee meeting on September 12, 2005.

Item No. 3A:

The Administration recommended that the General Obligation Bond Oversight Committee recommend that the Mayor and City Commission award a professional service Agreement to EAC Consulting, Inc., in the amount of \$1,186,807.00, to provide engineering, urban design, and landscape architecture for design, bid and award, and construction administration services for the **Biscayne Point Right-of-Way Infrastructure Improvement Project**. See Agenda Item R7E.

Item No. 3B:

The Administration recommended that the General Obligation Bond Oversight Committee recommend that the Mayor and City Commission award a professional service Agreement to Calvin Giordano & Associates, Inc., in the amount of \$1,250,423.00, to provide engineering, urban design, and landscape architecture for design, bid and award, and construction administration services for the **North Shore Right-of-Way Infrastructure Improvement Project**. See Agenda Item R7H.

Item No. 3C:

The Administration recommended the General Obligation Bond Oversight Committee's support of the **South Pointe Park** draft Basis of Design Report (BDOR) as presented. The final BODR will be

presented to City Commission for consideration at its July 27, 2005 meeting. See Agenda Item R7J.

Although originally funded in part by GO Bond Funds, the project is currently funded completely from South Pointe RDA Tax Increment Financing (TIF) Funds. Because the project was originally funded in part by GO Bond funds, the Administration elected to bring the BODR to the GO Bond Oversight Committee for recommendation to the City Commission.

Hargreaves Associates, the consultant contracted to plan and design the park improvements, presented the Committee, Administration and a citizen group called "Responsible Dog Owners of Miami Beach" with a 10-minute presentation outlining the proposed changes to South Pointe Park.

Item No. 4A:

The Committee was informed that on June 22, 2005 pouring began for the grade beams at **Fire Station No. 2**. The electrical and plumbing contractors have begun their rough work. Once this is completed, the area will be backfilled and compacted. The first floor slab is scheduled to be completed by July 22, 2005.

Item No. 4B:

The Administration informed the Committee that the **Fire Station No. 4** project is 40 days behind schedule, but the contractor is trying to put the project back on schedule.

Item No. 4C:

The Committee asked about the resolution with Surety on the pool portion of the **Normandy Isle Park and Pool project**. The Administration explained that a settlement of \$475,000 was reached on June 22, 2005 and was approved by the Commission on July 6, 2005. The Administration described in detail how this figure was derived and the funding available for the City to complete the project. The Administration also noted that the construction of the pool portion would be performed by JOC contractor, scheduled to start in fall 2005 and be complete by summer 2006.

Item No. 5A

The updated calendar of Community Meetings was presented to the Committee, but not discussed.

Item No. 5B

The Committee was provided with a status report of the Washington Avenue Streetscape project, which was not reviewed during the meeting.

Item 6 – Not listed on the Agenda -

The Administration informed the Committee that the restroom demolition and phase II of the sidewalk at **Lummus Park** is complete. Construction of the new restrooms is underway.

C7 - Resolutions

- C7A A Resolution Approving An Amendment In The Amount Of \$53,795.25 To The Agreement Between The City Of Miami Beach And URS Corporation-Southern For Program Management Services.
(Capital Improvement Projects)

ACTION: Resolution No. 2005-25954 adopted. Jorge Chartrand to handle.

- C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment To The Agreement Between The City Of Miami Beach And Edwards And Kelsey, Inc, For The Planning And Design Of The Venetian Islands Neighborhood Improvement Project To Provide For Additional Professional Services.
(Capital Improvement Projects)

ACTION: Resolution No. 2005-25955 adopted. Jorge Chartrand to handle.

- C7C A Resolution Authorizing The City Manager Or His Designee To Submit A Grant Application For Funds To Miami-Dade County, For Fiscal Year (FY) 2005/06 County Byrne Funds, In An Amount Not To Exceed \$30,000, For The City's Records Improvement Program; Further Appropriating The Grant If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Resolution No. 2005-25956 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of The Proposals Received Pursuant To Request For Proposals (RFP) No. 24-04/05, For A Medical Services Provider For The Provision Of Various Medical Services That May Be Necessary Or Required By The City Of Miami Beach, Local, State, And Federal Laws; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Mount Sinai Medical Center; And Should The Administration Be Unsuccessful In Negotiating With Mount Sinai Medical Center, Authorizing The Administration To Enter Into Negotiations With The Second-Ranked Firm Of Sunshine Medical Center; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.
(Human Resources)

ACTION: Resolution No. 2005-25957 adopted. Mayra Buttacavoli to handle.

- C7E A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Finding And Declaring The Existence Of A Parking Emergency On The Following Respective Dates For The Following Respective Events; September 24 - 26, 2005 For The IACP (International Association Of Chiefs Of Police); November 4 - 13, 2005, For The South Florida Auto Show; November 30 - December 4, 2005, For Art Basel; December 31 - January 1, 2006, For New Year's Eve Event; January 5 - 9, 2006, For Art Miami; January 13 - 15, 2006, For Art Deco Weekend; February 3 - 5, 2006, For Graphics Of The Americas; February 16 - 20, 2006, For The NMMA Miami International Boat Show; And May 25 - 29, 2006, For Memorial Day Weekend; Allowing For The Use Of Vacant Surface Lots For Self-Parking And Valet Parking.
(Parking Department)

ACTION: Resolution No. 2005-25958 adopted. Chief De Lucca, Vivian Guzman, Cliff Leonard, Patricia Walker, and Saul Frances to handle.

- C7F A Resolution Authorizing The Administration To Issue Purchase Orders To Consolidated Parking Equipment A Sole Source Local Distributor Of Federal A.P.D. Parking Equipment, For Maintenance And Service Of Revenue Control Parking Equipment In City-Owned Garages In The Estimated Amount Of \$110,000 Annually.
(Parking Department)

ACTION: Resolution No. 2005-25959 adopted. Saul Frances to handle.

- C7G A Resolution Authorizing The Mayor, Or His Designee, To Execute A Memorandum Of Understanding With The United States Secret Service For The Purpose Of Coordinating Law Enforcement Investigations As Part Of The Secret Service's Miami Electronic Crimes Task Force; Providing For Reimbursement By The Department Of Treasury For Certain Investigative Overtime And Training Expenditures.
(Police Department)

ACTION: Resolution No. 2005-25960 adopted. Don De Lucca to handle.

- C7H A Resolution Authorizing The Mayor, Or His Designee, And The City Clerk To Execute A Mutual Aid Agreement With The Cities Of Florida City, South Miami And Medley, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit.
(Police Department)

ACTION: Resolution No. 2005-25961 adopted. Don De Lucca to handle.

- C71 A Resolution Accepting The Recommendation Of The City Manager Authorizing The Administration To Negotiate Professional Services Agreements Pursuant To Request For Qualifications (RFQ) No. 10-04/05, For Professional Architectural And Engineering Services In Various Professional Specialties On An "As-Needed Basis," For Capital Projects In Which The Basic Construction Cost Does Not Exceed \$500,000 Per Project, Or For Study Activities For Which The Fee Does Not Exceed \$25,000; And Continuing Contracts Up to \$50,000; And Authorizing The Mayor And City Clerk To Execute Professional Services Agreements Upon Completion Of Successful Negotiations With All Forty-Seven (47) Firms Who Provided Their Qualifications In Reference To This RFQ.
(Procurement)

ACTION: Resolution No. 2005-25962 adopted. Gus Lopez to handle.

City Clerk's note:

- 001 Architecture - General
- 002 Historic Building Specialization
- 003 Architecture - Landscape
- 004 Architecture - Planning and Urban Design
- 005 Engineering - Civil
- 006 Engineering - Electrical
- 007 Engineering - Environmental/Coastal
- 008 Engineering - Mechanical
- 009 Engineering - Structural
- 010 Engineering – Transportation Planning/Traffic Engineering
- 011 Land Surveying Services

- | | |
|---|--------------------------|
| 1. A&P Consulting Transportation Engineers | 5, 6, 7, 10 |
| 2. A.D.A. Engineering, Inc. | 5 |
| 3. Architects International | 1 |
| 4. AVART, Inc. | 5, 9, 10 |
| 5. BEA International | 1, 3, 4, 5, 6, 8, 9 |
| 6. Behar-Ybarra Associates of Florida, Inc. | 1, 4, 5, 9, 10 |
| 7. Brown & Brown Architects | 1, 5, 7 |
| 8. CEB Engineering, Inc. | 5, 7, 10 |
| 9. CES Consultants, Inc. | 5, 7, 10 |
| 10. Chen and Associates | 5 |
| 11. Coastal Systems International Inc. | 7 |
| 12. ConsulTech Enterprises, Inc. | 5, 7, 10, 11 |
| 13. Craig A. Smith & Associates | 5, 8, 11 |
| 14. CSA Southeast, Inc. | 5, 9 |
| 15. DMJM Harris/ AECOM | 1, 5, 8, 9 |
| 16. Douglas Wood & Associates, Inc. | 2, 9 |
| 17. Edward Lewis Architects, Inc. | 1 |
| 18. TLC Engineering for Architecture, Inc. | 6, 8 |
| 19. ES Consultants, Inc. | 5, 7 |
| 20. Environmental Development Consultants Corp. | 5, 7, 11 |
| 21. Gurri Matute PA Architecture-Interiors | 1 |
| 22. H.J. Ross | 5, 6, 7, 8, 9 |
| 23. Hernandez Consulting Engineers, Inc. | 6, 8 |
| 24. Ideal Architectural Design, P.A. | 1, 3, 5, 6, 7, 8, 11 |
| 25. Indigo Service Corp. | 1, 3, 5, 6, 8, 9, 10, 11 |
| 26. J. Bonfill & Associates, Inc. | 11 |
| 27. LIVS Associates | 1, 5, 8, 9 |
| 28. Malcolm Pirnie, Inc. | 5, 7 |
| 29. Metcalf & Eddy/AECOM | 5, 7 |
| 30. Milian, Swain & Associates, Inc. | 5, 7 |
| 31. Miller Legg | 3, 5, 11 |
| 32. Naya Architects | 1 |
| 33. Palm Engineering Group, Inc. | 5 |

34.	PBS&J	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11	
35.	Professional Consulting Engineering, Inc.		5, 8
36.	Sequeira & Gavarrete		1, 3, 5, 6, 7, 8, 9, 11
37.	Siddiq Khan and Associates. Inc.		9
38.	Swanke Haden Connell Architects		1
39.	TCAPA	6	
40.	The Corradino Group, Inc.		10
41.	The RC Group		6, 8
42.	The Russell Partnership, Inc.		1, 3, 5, 6, 7, 8, 9, 10, 11
43.	The Tamara Peacock Company Architects TLC.		1, 2, 5
44.	TSAO DesignGroup		1
45.	UrbanAdvisors LTD		4
46.	Weidener Surveying & Mapping P.A.		11
47.	Williams-Russell and Johnson, Inc.		5, 9

10:18:34 a.m.

C7J A Resolution Authorizing The Appropriation Of \$665,000 From The Miami Beach Share Of The County's Fiscal Year 2004-05 People's Transportation Plan (PTP) Fund, For Maintenance Work To Be Done On The 77th Street Bridge At Tatum Waterway, And On The Henedon Avenue Bridge At Biscayne Point Canal.

(Public Works)

ACTION: Item separated for discussion by Commissioner Steinberg. Resolution No. 2005-25963 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Smith; Voice vote 5-1; Opposed: Commissioner Steinberg; Absent: Vice-Mayor Bower. Patricia Walker to appropriate funds.

Commissioner Steinberg stated that he does not think the City should be using People's Transportation Plan (PTP) funds for maintenance that the City is required to do; the bridge needs work and the City should be doing it. He will vote against it.

Commissioner Smith stated that he wants to make sure that the record is clear that these funds are eligible for these kinds of activities within the City of Miami Beach. He explained the ordinance that Miami-Dade County passed creating the criteria to be used for this specifically provides for road-way and right-of-way maintenance and construction, bridge maintenance and operation, etc. He asked Fred Beckmann to elaborate on what the ordinance provides in terms of what these funds can be used for.

Fred Beckmann, Public Works Director, stated that the People's Transportation Plan (PTP) allow for (very specifically) bridge maintenance and operations.

Commissioner Smith stated that based on the ordinance the City is not spending funds inappropriately and Mr. Beckmann responded that absolutely not.

Ted Berman spoke.

Commissioner Steinberg stated that the project is needed but the funding source is wrong. He understand that the legislation from Miami-Dade County gives the City the ability to spend the money, but he thinks the County has gone beyond what the people's intent was for the People's Transportation Plan (PTP) because the voters did not vote on it for the City to do what it should have otherwise done.

Handout or Reference Materials

1. Color aerials view of Henedon Ave Bridge and 77th Street Bridge

- C7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 19-04/05, For The Programming, Design, Construction Documents, Permitting, Bid And Award And Construction Administration Services For Bicycle, Pedestrian And Greenway Projects To Be Known As The Atlantic Greenway Network (AGN); Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of T.Y. Lin International/H.J. Ross; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of The RMPK Group.
(Public Works)

ACTION: Resolution No. 2005-25964 adopted. Fred Beckmann to handle.

- C7L A Resolution Approving And Authorizing The Administration To Issue Purchase Orders To Advanced Public Safety, As The Sole Source Provider Of The Electronic Ticketing Systems, For The Police Department's Mobile And Handheld Devices, In The Estimated Amount Of \$65,644.80.
(Procurement)

ACTION: Resolution No. 2005-25965 adopted. Gladys Acosta to handle.

- C7M A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 09-04/05 For The Operation Of Vending Machine Concessions At Various Locations On City Of Miami Beach Property; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firm Of Brother's Vending, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Gilly Vending, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.
(Procurement)

ACTION: Resolution No. 2005-25966 adopted. Joe Damien to handle.

Handout or Reference Materials

1. Letter from Gilda Rosenberg, Gilly Vending, Inc., to Gus Lopez, Procurement Director, dated July 14, 2005, RE: Letter of Clarification, RFP 09-04/05 Operation of Vending Machine Concessions

Supplemental Materials: Resolution:

- C7N A Resolution Approving And Officially Adopting The Last Portion Of The Basis Of Design Report (BODR) For The Multi-Purpose Municipal Parking Facility (MPMPF), Which Applies To The Streetscape Improvements To Meridian Avenue And Which Was Not Part Of The Previous Approval.
(Capital Improvement Projects)

ACTION: Resolution No. 2005-25967 adopted. Jorge Chartrand to handle.

Handout or Reference Materials

1. Color rendering of Meridian Streetscape – preferred, submitted by Perkins + Will

- C7O A Resolution Authorizing The Administration To Issue A Purchase Order For \$126,955 To Southeastern Surfaces & Equipment, Inc., The State Of Florida Sole Source Distributor Of Mondo Flooring, For The Scott Rakow Youth Center Ice Rink And The Covered Play Area, Additionally, Appropriating \$8,500 For Project Contingency, For A Grand Total Of \$135,455.
(Capital Improvement Projects)

ACTION: Resolution No. 2005-25968 adopted. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

1:49:09 p.m.

- R5A An Ordinance Amending Chapter 12, Article II Of The Code Of The City Of Miami Beach, By Amending Section 12-5, "Special Events Permits," By Renumbering Such Section, And Clarifying And Amending The Definition, Procedures And Standards Applicable To Special Events; Providing For Codification, Repealer, Severability And An Effective Date. **10:15 a.m. Second Reading, Public Hearing.**

(Tourism & Cultural Development)
(First Reading on July 6, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3490 adopted.** Motion made by Commissioner Cruz; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Vice-Mayor Bower. R. Parcher to transmit to Municipal Code Corp. Max Sklar to handle.

Mayor Dermer congratulated Max Sklar on his work on the MTV Video Awards.

Frank Del Vecchio spoke in favor of the amendments to the special events guidelines that the Administration is proposing.

Commissioner Cruz commended Max Sklar and stated that he has done a great job and it is a pleasure to have someone who worked in the Mayor's Office be so successful.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.

1:55:03 p.m.

R5B An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Parcels Of Land With Street Addresses Of 2608 Biarritz Drive And 2614 Biarritz Drive, More Particularly Described In The Legal Descriptions Attached As An Exhibit Hereto From The Current GU, "Government Use," To The Proposed Zoning Classification RS-3 "Residential Single-Family District;" Providing For Codification, Repealer, Severability And An Effective Date. 10:30 a.m. **First And Only Reading, Public Hearing.**

(Asset Management)

ACTION: First and only reading and Public Hearing held. **Ordinance No. 2005-3491 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Vice-Mayor Bower. Jorge Gomez and Joe Damien to handle. R. Parcher to transmit to Municipal Code Corp. Jose Cruz to transmit to the Miami-Dade County Tax Appraiser's Office.

Handout or Reference Materials

1. The Miami Herald Notice and mailers

10:33:29 a.m.

R5C An Ordinance Amending Miami Beach City Code Chapter 38 Entitled "Elections," By Creating Section 38-6 "Early Voting"; Exempting City Mayoral And Commission Elections From The Provisions Of Paragraph (1)(b) Of Section 101.657, Florida Statutes, Concerning Early Voting And Instead Authorizing A Shortened Duration For Early Voting For City Mayoral And Commission Elections; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**
(City Attorney's Office)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Smith; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Vice-Mayor Bower. Second Reading and Public Hearing scheduled for September 8, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Jorge Gonzalez, City Manager, stated for the record, that there were corrections made to the days and hours of the early voting.

Jean Olin, Deputy City Attorney, explained the item.

Robert Parcher, City Clerk, read the early voting schedule for the record as follows:

General Election(November 1)

Monday, Tuesday, and Wednesday, October 24, 25, and 26 from 12 noon until 7 p.m.

Thursday and Friday, October 27 and 28 from 9 a.m. until 4 p.m.

Saturday and Sunday, October 29 and 30 from 9 a.m. until 7 p.m.

Runoff Election (November 15, if one is necessary)

Saturday and Sunday, November 12 and 13 from 9 a.m. until 7 p.m.

R7 - Resolutions**10:44:09 a.m.**

R7A A Resolution Authorizing The City Manager, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; From The Last Commission Meeting On July 27, 2005, Until The First Regularly Scheduled Meeting On September 8, 2005, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 8, 2005. **Joint City Commission And Redevelopment Agency.**
(Procurement)

ACTION: Item heard in conjunction with RDA Item 3A. Resolution No. 2005-25969 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Vice-Mayor Bower. Gus Lopez to handle any ratification item(s).

10:37:32 a.m.

R7B A Resolution Regarding A Certain Geographic Area Within The City Of Miami Beach Called The City Center/Historic Convention Village Redevelopment And Revitalization Area, Described Generally As Being Bounded On The East By The Atlantic Ocean, On The North By 24th Street, On The West By West Avenue And On The South By 14th Lane; Confirming The Pledge For The Benefit Of All Bonds (As Defined Herein) Of Proceeds Of The Resort Tax Levied By The City To The Extent Provided In Resolution No. 94-21008 Adopted By The City On January 5, 1994; Authorizing The Issuance By The Miami Beach Redevelopment Agency Of Not To Exceed \$58,000,000 Tax Increment Revenue Refunding Bonds, Taxable Series 2005A (City Center/Historic Convention Village), And Not To Exceed \$35,000,000 Tax Increment Revenue Refunding Bonds, Series 2005b (City Center/Historic Convention Village), In Accordance With The Requirements Of Chapter 163, Part III, Florida Statutes, As Amended; Covenanting To Provide Continuing Disclosure In Connection With Said Series 2005 Bonds In Accordance With Securities And Exchange Commission Rule 15C2-12 And Authorizing The Chief Financial Officer To Execute And Deliver An Agreement With Respect Thereto; And Authorizing Officers And Employees Of The City To Take All Necessary Actions In Connection Therewith; And Providing For An Effective Date. **10:00 a.m. Joint City Commission And Redevelopment Agency**
(Finance Department)

ACTION: Public Hearing held. **Item heard in conjunction with RDA Item 3C. Resolution No. 2005-25970 adopted.** Motion made by Commissioner Cruz; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Vice-Mayor Bower. Patricia Walker to handle.

David Kelsey spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.
2. Copies of Registered mail notification to the taxing agencies: Miami-Dade County, Dade County Public Schools, South Florida Water Management District, Miami-Dade Public Library System, Florida Inland Navigation District, The Children's Trust, and South Florida Water Management District – Everglades Construction Project.

12:40:32 p.m.**Supplemental Materials: Resolution:**

R7C A Resolution Setting 1) The Proposed Operating Millage Rate; 2) The Required Debt Service Millage Rate; 3) The Calculated "Rolled-Back" Rate; And, 4) The Date, Time, And Place Of The First Public Hearing To Consider The Millage Rates And Budgets For Fiscal Year (FY) 2005/06; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statute.

(Budget Department)

(Commission Memorandum and Resolution Distributed in Separate Document)

ACTION: Title of the Resolution read into the record.

1) Proposed Millage Rates For FY 2005/06:

General Operating	7.299 Mills (7.299 last year)
Capital Renewal & Replacement	0.182 Mills (0.126 last year)
Debt Service	0.592 Mills (0.748 last year)
Total	8.073 Mills (8.173 last year)

2) "Rolled-Back" Rate (Truth in Millage) 6.191Mills

3) The First Public Hearing On The Proposed Millage Rates And The Tentative Budget For FY 2005/06 Shall Be Held On Thursday, September 8, 2005 At 5:01 P.M., In The City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Resolution No. 2005-25971 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Smith; Voice vote: 5-1; Opposed: Commissioner Garcia; Absent: Vice-Mayor Bower. Kathie Brooks to handle. Lilia Cardillo to place on the September 8 Commission Agenda.

Robert Parcher, City Clerk, read the resolution into the record.

Jorge Gonzalez, City Manager, stated that this item is to set the tentative Millage and will essentially establish the cap or the highest that the Millage can be. In September after reviewing the operating budget, the City Commission has the ability to set the Millage lower it can also go higher, but it is a very difficult process. He explained that this is the first year the City derives the benefits of the Interlocal Agreement Amendments made with Miami-Dade County in 2001 and 2003, which affects this budget significantly in a positive way. He explained that the citizens' survey identified the things that are important to them as far as quality of life and level of services. There are four key areas identified that the Administration really wanted to accomplish this year on behalf of the City; 1) given the level of satisfaction from the residents received on the survey, the City wants to maintain the same level of services, 2) identified enhancement to those priorities areas for action as requested by residents; 3) due to the influx from RDA, ensure this year's budget sets the tone and a structural fix to the fiscal management of this community that positioned us for a long term sustainability and 4) make sure the City provides excellent value and increased taxpayers service. The budget increase is roughly \$40 million comprised of about \$20-25 million of RDA impact and about \$14-\$15 million of new tax assessment growth. There are \$5 million of fiscal sustainability.

Mayor Dermer has advocated for a mechanism that would provide for a return for homeowner investments living on Miami Beach. The Administration has identified the equivalent of what would be \$25,000 homestead exemption, which on average is \$200 per homeowner living on Miami Beach to receive a check back from the City, or Miami Beach Homeowner dividend. The Administration has also been able to identify a Millage reduction of 1/10 of a Mill on the overall Millage, and \$7.1 million enhancements, \$3.1 million of which are in General Funds.

Kathie Brooks, Director of the Office of Budget and Performance Improvement, showed a PowerPoint presentation.

Jeryl (Deede) Weithorn, Chairperson of the Budget Advisory Committee, spoke.

Commissioner Smith commended Kathie Brooks and staff for a very pleasant budget process. He explained that the area of police visibility, marine patrol, and police officer on bicycles is the area most requested by the citizens.

Jorge Gonzalez, City Manager, stated that they are in the process of allocating resources and staffing. The Community Contact program was added in the budget based on the survey from the residents.

In addition all the police in the patrol department will have a community contact to address the citizens concerns.

Kathie Brooks, Director of the Office of Budget and Performance Improvement, explained that the police citizens contact program consist of six police officers going through the neighborhoods in bicycles or driving by making contact with the residents by knocking on doors, advising homeowners of at-home safety procedures, such as if their homes are too dark or if the landscaping needs to be changed.

Commissioner Garcia stated that he would rather reduce the millage instead of refunding money and be done in a fair manner.

Mayor Dermer thanked Kathie Brooks and the Budget Department for having the most pleasurable budget in the last eight years. The City is providing enhanced services, focusing on capital improvement, lowering the Millage, and is giving the owners the option to receive money back on their taxes. He explained that every sector of the community benefits from this budget. He also commended Jorge Gonzalez, City Manager, and his fellow Commissioners.

Commissioner Smith stated that among all the cities in South Florida with the same population, the City of Miami Beach has the lowest Millage.

Mayor Dermer stated that he takes his hat off to the City Manager and staff.

Jorge Gonzalez, City Manager, commended Kathie Brooks, Patricia Walker, Jose Cruz, William Gonzalez, Joe Reilly, Carmen Carlson, Sailyn Arce and Paula Calderon for the hard work and the long hours needed to prepare this budget.

Handout or Reference Materials

1. Commission Memorandum
2. Letter from Jorge M. Gonzalez, City Manager, dated July 27, 2005, budget message to the City Commission
3. Package Budget Document Listing Report.

(Budget Department)

Resolution No. 2005-25972 adopted. Motion made by Commissioner Smith; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Vice-Mayor Bower. Kathie Brooks to handle. Lilia Cardillo to place on the September 8 Commission Agenda.

ACTION: Resolution No. 2005-25973 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Vice-Mayor Bower. Patricia Walker to appropriate funds. Jorge Chartrand to handle.

12:12:24 p.m.

R7F A Resolution Adopting The City's One-Year Action Plan For Federal Funds For Fiscal Year 2005/2006, Which Includes The Budgets For The Community Development Block Grant (CDBG) Program And The Home Investment Partnerships (Home) Program; Authorizing The City Manager To Make Minor Non-Substantive Changes To The One-Year Action Plan Or Resulting Agreements Before Execution Which May Be Identified During The Finalization And/Or Review Process, And Which Do Not Affect The Purpose, Scope, Approved Budget And/Or Intent Of The Plan; Authorizing The City Manager To Execute All Applicable Documents And Submit The One-Year Action Plan To The U.S. Department Of Housing And Urban Development (HUD); Further Authorizing The Mayor And City Clerk To Execute Agreements With Providers Of Activities As Follows: Twenty-Five (25) CDBG Sub-Recipient Agreements, And Two (2) CDBG Interdepartmental Memoranda Of Understanding; And Authorizing The Appropriation Of All Federal Funds When Received.
(Neighborhood Services)

ACTION: Resolution No. 2005-25974 adopted . Motion made by Commissioner Smith to approve the one-year allocation and to allocate \$15,000 to Prime Time Seniors as a one-time allocation from the General Fund and next year to submit their request via the CDBG process; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Vice-Mayor Bower. Patricia Walker to appropriate funds. Vivian Guzman to handle.

Robert Middaugh, Assistant City Manager introduced the item.

Alex Annunziato, Chair of the Community Development Advisory Committee, spoke.

Commissioner Garcia stated that a lot of funds are being placed on the homeless programs but not much for senior programs such as the Prime Time Seniors and this has been happening for several years.

Jorge Gonzalez, City Manager, stated that the chart shows funding of programs in years past. The reason could be that they have not applied for funding for those years.

Jackie Hertz, Founding Director of Prime Time Seniors, spoke.

Commissioner Smith suggested restructuring the Section 108 Loan 108 to reduce the payments or pay it off if possible. **Patricia Walker to handle.**

Jorge Gonzalez, City Manager, stated that a certain percentage should be used for services.

Motion made by Commissioner Smith to find the funding to help Prime Time Seniors; seconded by Commissioner Garcia. Discussion continued.

Commissioner Cruz stated that this is only a recommended committee and the City Commission has the right to do that they think is best. He stated that Prime Time Senior has had many programs to help the community. He is grateful that the committee keeps the integrity of the process but the Commission should have an open mind.

Commissioner Steinberg encouraged the City Manager to come up with \$15,000 from the General Fund.

Robert Middaugh, Assistant City Manager, stated that they do not have a proposal to what they want the funds for.

Jorge Gonzalez, City Manager stated that they can come up with \$15,000 from the General Fund as a one-time allocation and that Prime Time Senior needs to go through the process in the future.

Vivian Guzman to handle.

Commissioner Garcia, regarding page No. 372 of the Commission Agenda, stated that he understand the 5th Street and Meridian Avenue project, the Meridian Apartments Project, may be in jeopardy because of loss of funding due to misrepresentation on the application at the Miami-Dade County level, and he asked if this project is not approved what will have with the \$309,469.

Jorge Gonzalez, City Manager, stated that the City will recapture the \$309,469 and will become available for allocation through the Loan Review Committee and the City Commission.

Commissioner Garcia requested the Administration to keep an eye on this issue and provide a report via an LTC on the outcome of this specific item. **Robert Middaugh to handle.**

Jorge Gonzalez, City Manager, commended Alex Annunziato and the Community Development Advisory Board (CDAC) for the good job they do and the hours they spend doing it.

Mayor Dermer thanked all the members of the Board.

Roberto Datorre stated that there has not been an allocation of funds from the City, an asked the City Commission to direct the Administration to start looking for funds or to at least match the HUD funding.

1:47:46 p.m.

R7G A Resolution Authorizing The Award Of A Contract To The Lowest And Best Bidder, Gablesigns And Graphics, Inc., In The Amount Of \$1,476,623.62, Pursuant To Bid No. 16-04/05 For Fabrication And Installation Of Signage Package With A Two-Year Sign Maintenance Service Agreement, In Accordance With The City Of Miami Beach Citywide Wayfinding Signage And Identity System; Approving \$137,205 For Contingencies; Approving \$61,884 For Construction Administration; And Appropriating Funds In The Amount Of \$218,726 From Fund 481 Parking Revenue Bonds Series 1997, For A Total Project Budget Of \$1,675,713.00.

(Planning Department)

ACTION: Resolution No. 2005-25975 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Vice-Mayor Bower. Patricia Walker to appropriate funds. Fred Beckmann Gomez to handle.

Jorge Gonzalez, City Manager, stated that the number two bidder issued a protest indicating that they were the lowest bidder on one of the add-alternates relative to the maintenance service component.

In total Gablesigns and Graphics, Inc. is the lowest bidder.

Wayne Daniels, Gablesigns and Graphics, Inc., spoke.

Renderings of the signs were presented by Joyce Meyers.

Handout or Reference Materials

1. Letter from Jorge M. Gonzalez, City Manager, to Ms. Sandra Foland, CEO, Baron Sign Manufacturing, dated July 26, 2005

1:56:55 p.m.

R7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Attached Professional Services Agreement With Calvin, Giordano & Associates, Inc., In The Amount Of \$1,250,423.00, To Provide Engineering, Urban Design, And Landscape Architecture Services For Design, Bid And Award, And Construction Administration Services For The North Shore Right-Of-Way Infrastructure Improvement Project; And Appropriating Said Amount From The Following Available Funding Sources: \$616,343.00 From The 1999 General Obligation Bond And \$634,080.00 From The 2000 Water And Sewer Bond.

(Capital Improvement Projects)

ACTION: Resolution No. 2005-25976 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Vice-Mayor Bower. Patricia Walker to appropriate funds. Jorge Chartrand to handle.

10:33:13 p.m.

R7I A Resolution Amending Resolution No. 2004-25742, Setting The Dates For The Year 2005 Commission Meetings; Authorizing A Change In The Commission Meeting Date From Wednesday, September 7, 2005 To Thursday, September 8, 2005. **Joint City Commission and Redevelopment Agency.**

(City Clerk's Office)

ACTION: Item heard in conjunction with RDA item 3B. Resolution No. 2005-25977 adopted. Motion made by Commissioner Smith; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Vice-Mayor Bower. Robert Parcher to handle.

10:44:29 a.m.

Supplemental Materials: Resolution:

R7J A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The South Pointe Park Improvements (The Project); Authorizing The Administration To Exercise The Option, As Stated In Section 6 Of The Settlement Agreement Between The City And The Related Group For The Alaska Parcel, Dated July 28, 2004, To Design And Construct The Park Project; And Appropriating Funds, In The Amount Of \$14,130,000, From The South Pointe Redevelopment Agency For The Completion Of The Design And Construction Of The Project, \$5,000,000 Of Which Will Be Refunded By Miami-Dade County General Obligation Bond Funds When Made Available. **Joint City Commission And Redevelopment Agency.**

(Capital Improvement Projects)

ACTION: Item heard in conjunction with RDA item 3D. Resolution No. 2005-25978 adopted as amended. Motion made by Commissioner Steinberg to approve the item with instructions to the Administration to:

1. Explore additional parking opportunities in the area bring back parking recommendations at the September 8th Commission Meeting (several areas to investigate: parking lot in front of Penrod's, Block 1, 51, and 52)
2. Include the Fishing Pier (Resort Tax possible funding source);
3. To keep the Hargreaves team if they are competitively priced and to continue to work with Related on the construction side;
4. Use the \$14M dollar design;
5. The issue of the Art in Public Places (light beacons) will come back at some point;
6. Direction given to go design a fountain (\$500,000 range).

Seconded by Commissioner Smith; Voice vote: 6-0; Absent: Vice-Mayor Bower. Patricia Walker to appropriate RDA funds. Jorge Chartrand to handle.

Jorge Gonzalez, City Manager, introduced the item.

Gavin McMillan from Hargreaves and Associates gave a PowerPoint presentation.

Commissioner Garcia stated that he loves the project. He is concerned that people may be tempted to swim on the cut in an unprotected area of the beach with heavy currents and this should be discouraged. He felt it is his duty to point this out.

Commissioner Smith stated that he is pleased with the design. He commended the idea of the fishing pier and will like to see it happen. He did not see details on the entrances on Washington Avenue or Ocean Drive. He wants the entrances to the park to be of high profile so it will not appear to be private property, it should be inviting to people. **Tim Hemstreet to handle.**

Commissioner Gross stated that coming into the park from Washington Avenue will be a much nicer experience than it is now, much more giving to the pedestrians and less to vehicles. He stated that there has been a lot of emphasis placed on connecting the park on Ocean Drive from the south but unfortunately coming from the north signage is going to be the primary way to let people know that it is not a private driveway. He asked if there is any specific way finding signage designated at the south end of Ocean drive to let people know that South Pointe Park is there.

Jorge Gonzalez, City Manager, stated that if there is not signage there, there will be, because he is disappointed about that also. He stated that it is great to have the amenities but you have to let people know so that they can use them. **Tim Hemstreet to handle.**

Commissioner Gross stated that the fountain is not worthy of the upgraded park, and it should be looked at during the next step. He stated that the Cities of Atlanta and Chicago have great parks and fountains. He also stated that the City needs to commit more funds in the Art in Public Places; they have identified the light beacons along the Baywalk. He also stated that the dog issue was addressed and Gavin McMillan did a good job since people are satisfied with the solution achieved but there is a remaining issue that concerns him and that is moving forward from today. He stated that Hargreaves did an amazing job at achieving consensus of the residents. He wants to make sure that this team stays involved in this process as it moves forward from the concept stage to the design and development stage, and to the construction documents stage. He explained that when the City settled with The Related Group, they generously agreed to build the park for the City at the City's expense. He stated that Related suggested getting their architects involved to enhance that process, and although he respects Related architects and appreciates the potential benefit, he thinks it is important to keep Hargreaves and the team they developed together, review the details and do the drawings as long as they are competitive pricewise and can meet the time deadlines. If the City is going to make any changes to the architectural team it should be only after negotiations are made with this team first; If any problem arises the issue should be brought to the City Commission before going to another firm. **Tim Hemstreet to handle.**

Commissioner Steinberg asked if it will be wise for the City to look into providing parking south of 2nd Street. Mr. McMillan stated that it will be wise south of 2nd Street. **Tim Hemstreet to handle.**

Jorge Gonzalez, City Manager, stated that he will look for City owned property only south of 2nd Street, such as the lot across Penrod, and for a joint development he will reach out to The Related Group at Lots 1 and 51. **Tim Hemstreet to handle.**

Commissioner Steinberg stated that it will be foolish to spend \$14 million on a park that people cannot get to because of lack of parking. He asked what kind of transparency will there be, if the City goes with The Related Group, to make sure the pricing is right and that the City does not overpay. **Tim Hemstreet to handle.**

Jorge Gonzalez, City Manager, stated that the approach is still for discussion with the developer. He would expect to handle the approach similar to what they did for the City in the reallocation of the utilities at the Murano Grand. The City will obtain a guaranteed maximum price; they will assure their subcontractors estimates, staff will do cost estimates to verify those prices. The expectation will be that this will be beneficial to the City; otherwise, it would not be done. **Tim Hemstreet to handle.**

Commissioner Cruz stated that the entrances are extremely important. He would like to see the construction expedited. He is concerned with the playground, it should be inviting to bringing families with youngsters to the area.

Jorge Gonzalez, City Manager, stated that the playground will be like no other in the area; it will be an interactive playground.

Commissioner Cruz stated that his other concern is parking which is a very critical component of this project. He is happy with any combination of developers to accomplish this park.

Lucia Greer spoke.

Ruth Remington spoke.

Erika Brigham suggested that the issue of public bathrooms should be look at.

Commissioner Smith asked if this issue has bee addressed.

Jorge Gonzalez, City Manager, stated that the City will look into this. **Tim Hemstreet to handle.**

Frank Del Vecchio spoke.

Tom Daly, from The Related Group (Developer), spoke.

Commissioner Gross stated that at this time he does not want the controls of the design shifted to The Related Group; this will not be good to the City and/or to the citizens.

Jorge Gonzalez, City Manager, stated that the process includes Hargreaves and The Related Group, but if it is the will of the Commission to have Hargreaves in control, that will be done. He stated that the design component will be kept with Hargreaves but there are other generic components of the design as a builder that the Related Group can do.

Commissioner Cruz asked Tom what will be the most efficient process.

Tom Daly, from The Related Group (Developer), stated that at the moment he has to wait to be able to know what to expect, since he does not know the design somebody else is going to come up with.

Mayor Dermer stated that they will have a meeting tomorrow where everyone will get together and the City Manager has sufficient discretion to make this happen as quickly and as effective as possible.

Motion made by Commissioner Steinberg to approve the item and to direct the Administration to explore additional parking in the area and to bring back parking recommendations to the September 8 Commission Meeting; seconded by Commissioner Gross. Discussion continued.

Commissioner Gross suggested that the Pier should be included, and the first mandate should be to do it with Hargreaves and their team; if there is a problem with the price or time, then look at The Related Group. He stated that Hargreaves is in control of the design and should not be shifted to The Related Group.

Mayor Dermer suggested that Commissioner Gross be the Liaison.

Jorge Gonzalez, City Manager clarified the motion which includes the following:

1. Direction to go with the Fishing Pier
2. The \$14 million design
3. Consensus to continue to work with Related on the construction side
4. Bring back to the September Commission Meeting parking solutions
5. Art in Public Places
6. Direction to go design the fountain

Mayor Dermer suggested looking into the Resort Tax to pay for the Fishing Pier. **Tim Hemstreet to handle.**

Tom Daly, from The Related Group (Developer), stated that maybe Smith and Wollensky should be remodeled to make it more compatible with the park.

Commissioner Gross stated that the Administration needs to explore the legality of the sidewalk cafés and find out what permits and approvals are required. **Tim Hemstreet to handle.**

Jorge Gonzalez, City Manager, stated that the Administration will bring this issue back to the Commission if necessary.

Handout or Reference Materials

1. Color copy of the BODR – Basis of Design Report for Improving the South Pointe Park, dated July 2005 and prepared by Hargreaves Associates with Savino & Miller, William Lane Architect

Announcement:

Mayor Dermer announced that Bea Kalstein has returned to the City Commission Meetings.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION:

Art in Public Places:

Mariangela Capuzzo Term expires 12/31/06 Appointed by Mayor Dermer TL12/12

Beach Preservation Board:

Jonathan Kroner Term expires 12/31/05 Appointed by Commissioner Smith TL12/12

Hispanic Affairs Committee:

Nancy El-Amir Term expires 12/31/0-6 Appointed by Commissioner Cruz TL12/12

Park and Recreational Facilities Board:

Lizette Lopez Term expires 12/31/05 Appointed by Commissioner Smith TL12/12

Public Safety Advisory Committee:

Julio Burgos Term expires 12/31/05 Appointed by Commissioner Cruz TL 12/12

- R9A1 Nominate Mr. Jorge Kuperman To Serve On The Planning Board.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Item deferred. Motion made by Commissioner Garcia to nominate Jorge Kuperman. No second offered.

- R9B Discussion And Report By Peter Dolara, Senior Vice President Of American Airlines, Regarding The On-Going Efforts By American Airlines To Enhance The Volume Of Visitors To Miami Beach.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Item deferred by Commissioner Steinberg.

5:43:19 p.m.

Supplemental Materials: Additional Information:

- R9C Discussion Regarding Castle Beach.
(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Discussion held. **Resolution No. 2005-25979 adopted.** Motion made by Commissioner Gross to have Jorge Gonzalez, City Manager, designate a liaison for the purpose of providing information to unit owners so that there is a telephone number for them to call with questions; also if the Judge grants the condominium owners standing at the hearing on Tuesday, and the condominium owners have an engineer working to develop a plan, the City will cooperate with that Engineer, review the plans, and advise if the plans submitted meet the minimum requirements for the residents to move back in as soon as that work is done; seconded by Commissioner Cruz; 5-0; Absent: Mayor Dermer and Vice-Mayor Bower. Resolution to be transmitted to Mr. Robert Stone, the receiver, and Mr. Peter Fullerton, Esq. Legal Department to draft the resolution. **Tim Hemstreet to transmit the resolution.**

Commissioner Smith stated that Mayor Dermer had a previous engagement at the Florida International University and asked him to chair this portion of the meeting.

Jorge Gonzalez, City Manager, explained that this is a follow-up discussion to an item that was not reached at the last City Commission Meeting of July 6, 2005 because the meeting adjourned earlier than expected, and the Dr. Stanley Sutnick Citizen's Forum did not take place. Unfortunately there were a number of residents from Castle Beach Condominiums planning to attend. He explained that while the City Commission meeting had adjourned, Commissioner Bower and members of the staff met with the residents and tried to address some of the issues. There were questions raised at that meeting that Commissioner Bower wants the City to address. He added that since the July meeting, there have been a series of discussions. Today's meeting will bring everyone up to date as to what has taken place. He explained that the situation is that the City had to close the building due to life safety issues and since April the residents have been out of their properties and they want to know when they can get back in. He explained that two engineers have been hired and are trying to come up with solutions to the problem. There are two approaches; one is to do extended renovations before bringing the residents back into the building and the other one is a smaller initial scope that brings the residents back into the building earlier and then takes care of the long term issues. While both approaches have an overall cost of approximately \$27 million, the first one is at an initial cost of approximately \$10 million and the second is at a much lower initial cost in the single digits for the immediate repairs. He stated that the engineers have not presented drawings to be able to issue a permit for either of the approaches, and the discussions with the Building Department have only been as to which approach is the best to be permitted. The decision as to which approach to take is up to

the owners and the receiver, Mr. Robert Stone, and not the City. He emphasized that what is needed right now is an engineer to draw the plans, issue a permit and get the job started, and there is not a lot more that the City can legally do today or in the immediate future to expedite the process. He stated that the Fire and the Building Departments are standing by ready to expedite the review and issue the permits.

Tim Hemstreet, Assistant City Manager, gave an overview. Discussion continued.

Commissioner Cruz stated that part of the problem is that there is a lot of anxiety and unanswered questions that the residents have, and at the very minimal the City can create an information source for the residents and avoid misinformation. He stated to the City Manager that it is incumbent upon his office now to find someone and place that person as a liaison to help provide information; this is only as a service and not as a requirement of the City. **Tim Hemstreet to handle.** Discussion continued.

Commissioner Garcia asked the City Attorney what position can be taken, or can this be referred to the State Attorney's Office.

Commissioner Smith also asked the City Attorney if the City can intervene or participate to refer the matter to the judge, or to the State Attorney's Office for an investigation.

Murray Dubbin, City Attorney, stated that anybody that observes criminal activity has the obligation to report it to the proper authorities and be prepared to sign an affidavit stating the facts that support the criminal activities. He observed that there are people missing at this meeting; one is the receiver, Mr. Robert Stone, and the representative from the office of Pistorino & Alam Consulting Engineering, Inc. He added that the City is only a regulatory body to the Florida Building Code and there is nothing the City can do. Discussion continued.

Commissioner Gross stated that in his opinion, the residents need to come up with the smaller approach, have the City approve this approach; if adequate, to have the residents back into the building, emphasize to the receiver that this is the approach that the unit owners want to vote on. If the unit owners agree on the approach, and the receiver does not agree, then go to the Judge with the approach approved by the City. He stated that the City cannot overrule the receiver; the City can designate a liaison to provide information as to what needs to be done in the building. Also, the City can look at the work that needs to be done to satisfy the life safety code issues for the residents to move back in. He explained that the City cannot design the work, or tell the residents which option to go with, but the City can notify the work that needs to be done to satisfy the code.

Jorge Gonzalez, City Manager clarified that the difference between the two approaches is when everything gets corrected. One plan is to do all the repairs and construction with the building remaining closed for about eighteen months, and the other is to do the minimal work to get the residents back in the building and then do the rest and both plans are very close in the total cost of approximately \$27 million. He explained that what Tim Hemstreet, Assistant City Manager, was trying to explain is that the residents may get back into the building but their unit may not necessarily be in the same condition that it was in before; they may no longer have a kitchen, or some other electrical appliances or some of the illegal additions that were there before, and when they finally try to fix things permanently the residents may have to evacuate portions of the building at that time. He stated that in his opinion the more expedient approach needs to be taken. Discussion continued.

Commissioner Gross stated that if somebody submits a permit application for an electrical permit, they will have an electrical engineer that certifies the work to be done and the City relies on the electrical inspector, and the electrical inspector does not redo the engineer's calculations; the engineer's license is on the line if they submit something that is fraudulent. Discussion continued.

8:03:18 p.m.

Commissioner Gross suggested to have the City Manager designate a liaison for the purpose of providing information to unit owners so that there is a telephone number for them to call with questions; and if the Judge grants the condominium owners standing at the hearing on Tuesday, and the condominium owners have an Engineer working to develop a plan they want, the City will cooperate with that Engineer, review the plans, and will advise if the plans submitted meet the minimum requirements for the residents to move back in as soon as that work is done.

Commissioner Cruz seconded that motion.

Murray Dubbin, City Attorney, stated that in his conversations with Mr. Peter Fullerton, the unit owners would like to present to the court that the liaison will meet with the unit owners and the receiver, Mr. Robert Stone, and anybody else that the court assigns.

Commissioner Gross clarified that his motion: 1) to have a liaison to provide information to the unit owners, 2) that the City will make the inspectors, and plan reviewers (on an expedited basis) available to work with the engineer, and 3) the representative from the association, (provided that the unit owners obtain the intervention and the standing), to review the plans and come up with the minimum amount of work needed to get the residents back into the building.

Jorge Gonzalez, City Manager, suggested the unit owners to appoint a manageable group of representatives that the City can meet and communicate with.

Commissioner Garcia asked if the city liaison will be available to attend the hearing on Tuesday.

Jorge Gonzalez, City Manager, stated that he does not know who the liaison will be and the schedule of that individual, but suggested that a resolution carries more weight.

Robert Parcher, City Clerk, clarified that the motion will be in the form of a resolution, and as per the City Manager, the resolution is to be transmitted to the receiver, Mr. Robert Stone and the attorney, Mr. Peter Fullerton.

The following individuals spoke:

H. F. Paetrol
Robert Berman
Caridad Amore
Jan Pierre Perez
Michael Gongora
Rocio Sullivan
Peter Fullerton, Esq.
Silvia Montero

Handout or Reference Materials:

1. Castle Beach Club Condominium Association, Inc. Special Assessment Cash Receipts and Disbursements, Inception through June 30, 2005, Balance Sheet, Statement of Revenue, Expenses and Changes in Fund Balances for the month ended June 30, 2005 a total of five pages.
2. Liaisons Telephone: **305-604-4444**

Supplemental Materials: Additional Information:

R9D Discussion And Status Report Of Fire Department Yearly Inspection Of Condominiums And Other Commercial & Multi-Family Buildings For The Last Three (3) Years.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: No reached. Lilia Cardillo to place on the September 8 Commission Agenda.

1:59:10 p.m.

R9E Discussion Regarding The Realignment Of The Miami Beach Cable Channels.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Commissioner Garcia stated that he had several complaints from citizens, especially the elderly Hispanic citizens, that they cannot find the channels.

Jorge Gonzalez stated that although a letter was not written, Tim Hemstreet, had numerous conversations with Atlantic Broadband regarding the channel change.

Tim Hemstreet, Assistant City Manager, stated that the channel change was being done to allow Miami-Dade County views to have consistency in programming on the same channel numbers. He stated that the City does not have the authority to regulate how they organize the channels.

Commissioner Smith stated that this is being done nationwide. He also stated that Channel 77's reception is horrible and requested the Administration follow-up on this request. **R. Parcher to notify Atlantic Broadband.**

Commissioner Cruz stated that they need to update their programming guide on the set because you can TIVO anymore. **R. Parcher to notify Atlantic Broadband.**

R10 - City Attorney Reports**Addendum:****R10A Notice Of Attorney-Client Session**

Pursuant To Section 286.011(8), Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

Club Madonna, Inc. V. City Of Miami Beach U.S. District Court, Southern District Of Florida, Case No. 05-21213 CIV-MOORE

Ell-Gee, Inc., Club Madonna, And Leroy Griffith V. City Of Miami Beach, 11th Judicial Circuit Case No. 04-3023-CA23

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On July 27, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above Referenced Litigation Matter.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Gary Held And Senior Assistant City Attorney Roberto Datorre.

ACTION: Murray Dubbin, City Attorney, read the above notice.

5:43:00 p.m.

Murray Dubbin, City Attorney, stated that the Closed Executive Session concluded and it adjourned.

Reports and Informational Items**A Non-City Entities Represented By City Commission:**

1. Minutes From The Performing Arts Center Trust (PACT) Board Meeting Of May 10, 2005 And Agenda For The PACT Board Meeting In July 12, 2005.

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 27, 2005**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower Absent
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of June 2005.

ACTION: Written report submitted.

3. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Authorizing The Executive Director, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts As Needed From The Last Agency Meeting On July 27, 2005, Until The First Regularly Scheduled Agency Meeting On September 8, 2005, Subject To Ratification By The Agency At Its First Regularly Scheduled Meeting On September 8, 2005. **Joint City Commission and Redevelopment Agency.**

ACTION: Item heard in conjunction with Item R7A. Resolution No. 509-2005 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Smith; approved without objection; Absent: Vice-Mayor Bower. **Tim Hemstreet to handle.**

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Amending Resolution No. 491-2004, Setting The Dates For The Year 2005 Redevelopment Agency (RDA) Meetings; Authorizing A Change In The RDA Meeting Date From Wednesday, September 7, 2005 To Thursday, September 8, 2005. **Joint City Commission and Redevelopment Agency.**

ACTION: Item heard in conjunction with Item R7I. Resolution No. 510-2005 adopted. Motion made by Commissioner Gross; seconded by Commissioner Cruz; approved without objection; Absent: Vice-Mayor Bower. **Tim Hemstreet to handle.**

10:37:32 a.m.

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing Issuance Of Not To Exceed \$58,000,000 In Principal Amount Of Miami Beach Redevelopment Agency Tax Increment Revenue Refunding Bonds, Taxable Series 2005a (City Center/Historic Convention Village), And Not To Exceed \$35,000,000 In Principal Amount Of Miami Beach Redevelopment Agency Tax Increment Revenue Refunding Bonds, Series 2005b (City Center/Historic Convention Village), For The Purpose Of Refunding Certain Outstanding Bonds Of The Agency, Funding Any Necessary Deposit To The Debt Service Reserve Account And Paying Costs Of Issuance And Refunding, All Pursuant To Section 304(H) Of Resolution No. 150-94 Adopted By The Agency On January 5, 1994; Providing That Said Series 2005 Bonds And Interest Thereon Shall Be Payable Solely From Pledged Funds; Providing Certain Details Of The Series 2005 Bonds; Delegating Other Details And Matters In Connection With The Issuance Of The Series 2005 Bonds And The Refunding Of The Bonds To Be Refunded To The Chairman, Within The Limitations And Restrictions Stated Herein; Authorizing A Book-Entry Registration System For The Series 2005 Bonds; Authorizing The Negotiated Sale And Award By The Chairman Of The Series 2005 Bonds To The Underwriters, Within The Limitations And Restrictions Stated Herein; Approving The Form Of And Authorizing The Chairman To Execute And Deliver A Bond Purchase Agreement; Approving The Form Of And Distribution Of A Preliminary Official Statement And Official Statement And Authorizing The Execution And Delivery Of The Official Statement; Providing For The Application Of The Proceeds Of The Series 2005 Bonds And Creating Certain Funds And Accounts; Authorizing The Refunding, Defeasance And, As Applicable, Redemption Of The Bonds To Be Refunded; Approving The Form Of And Authorizing The Execution And Delivery Of Escrow Deposit Agreements And Appointing An Escrow Agent; Covenanting To Provide Continuing Disclosure In Connection With The Series 2005 Bonds In Accordance With Securities And Exchange Commission Rule 15c2-12 And Authorizing The Executive Director To Execute And Deliver An Agreement With Respect Thereto; Providing For A Credit Facility For The Series 2005 Bonds; Providing For The Satisfaction Of All Or A Portion Of The Reserve Account Requirement With A Reserve Account Insurance Policy And Approving The Form Of And Authorizing The Chairman To Execute And Deliver An Agreement With The Provider Thereof; Providing Covenants For The Provider Of Such Credit Facility And Reserve Account Insurance Policy; And Authorizing Officers And Employees Of The Agency To Take All Necessary Actions In Connection With The Sale And Delivery Of The Series 2005 Bonds And The Refunding Of The Bonds To Be Refunded And Other Related Matters; And Providing For An Effective Date. **Joint City Commission and Redevelopment Agency** (Page 529)

ACTION: Item heard in conjunction with Item R7B. Resolution No. 511-2005 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Vice-Mayor Bower. **Patricia Walker and Tim Hemstreet to handle.**

See item R7B for discussion.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Document titled Resolution and Attachments for the Miami Beach Redevelopment Agency Series 2005 A & B Revenue Refunding Bonds
3. Copies of Registered mail notification to the taxing agencies: Miami-Dade County, Dade County Public Schools, South Florida Water Management District, Miami-Dade Public Library System, Florida Inland Navigation District, The Children's Trust, and South Florida Water Management District – Everglades Construction Project.

10:44:29 a.m.**Supplemental Materials: Additional Information:**

- D A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Approving And Officially Adopting The Basis Of Design Report (BODR) For The South Pointe Park Improvements (The Project); Authorizing The Administration To Exercise The Option, As Stated In Section 6 Of The Settlement Agreement Between The City And The Related Group For The Alaska Parcel, Dated July 28, 2004, To Design And Construct The Park Project; And Appropriating Funds, In The Amount Of \$14,130,000, From The South Pointe Redevelopment Agency For The Completion Of The Design And Construction Of The Project, \$5,000,000 Of Which Will Be Refunded By Miami-Dade County General Obligation Bond Funds When Made Available. **Joint City Commission and Redevelopment Agency**

ACTION: Item heard in conjunction with Item R7J. Resolution No. 512-2005 adopted as amended. Motion made by Commissioner Steinberg with the instruction to the Administration to look into additional parking and come back with recommendations, to bring cost on a new fountain; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Vice-Mayor Bower. Patricia Walker to appropriate the funds. **Tim Hemstreet to handle.**

See item R7J for discussion.

Meeting adjourned at 8:15:29 p.m.

End of RDA Agenda